IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 9069 of 2007(D)

PETITIONER:

VINCENT JOSEPH @ JOSEPH VINCENT,
S/O.VINCENT,TC NO.47/64(A),PALLIVILAKOM PURAYIDAM,
NEAR MUDAVAM,POONTHURA P.O.,TRIVANDRUM,NOW AT
PB NO.63623,SHARJAH,UAE,THROUGH HIS POWER OF
ATTORNEY HOLDER BENNY,S/O.PALAYYAN,TC.44/64,NEAR
MUDAVAM,POONTHURA P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.S.D.ASOKAN

RESPONDENTS:
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1. THE CENTRAL BANK OF INDIA, REPRESENTED
BY ITS CHIEF MANAGER, REGIONAL OFFICE, PB NO.98,
GOPAL BUILDINGS, THYVILA ROAD,
THIRUVANANTHAPURAM-695 001.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, VANCHIYOOR, THIRUVANANTHAPURAM.

3. THE BANK MANAGER, CENTRAL BANK OF INDIA,
THIRUVANANTHAPURAM MAIN BRANCH, C.S.I.BUILDING,
M.G.ROAD, THIRUVANANTHAPURAM.

BY ADV. SRI.DEVAN RAMACHANDRAN
SMT.G.RANJITA
GOVT.PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Petitioner's Exhibits

Ext.P1: Photocopy of the order dated nil to the petitioner

Respondent's Exhibits

Ext.R1 (1) True copy of the notice issued to the petitioner under section 13(2) of the SARFEASI Act 5-12-2006

Ext.R1(2) True copy of the notice issued under section 13(4) of the SARFEASI Act 21-02-2007

Ext.R1(3) True copy of the possession notice published in "The Hindu' dated 2-03-2007

//True copy//

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S.SIRI JAGAN. J.

W.P.(C) No.9069 of 2007

Dated this the 21st day of June 2007

JUDGMENT

The petitioner challenges proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 on the ground that the petitioner has not been served with notice under Section 13 (2) of the said Act. The contention of the respondents is that notice issued to the petitioner has been returned with the endorsement that the petitioner 'left India' However the petitioner now prays only for one month's time to pay off all the amounts due.

Accordingly the writ petition is disposed of directing the respondents to give the petitioner one more month's time to pay off the entire amounts due . If the petitioner fails to pay off all the amounts due within one month as directed above it would be open to the respondents to continue the proceedings as now initiated without having to issue any further notice or proceedings in that regard. If the petitioner approaches the respondents by filing an application for allowable deductions and concessions, the respondents shall consider the same and pass appropriate orders in that regard. It would also be open to the respondents to grant further extension of time or instalments if they are so willing notwithstanding the above direction. Subject to the above conditions the sale shall be adjourned by a month. The writ petition is disposed of as above.

S.SIRI JAGAN,JUDGE

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